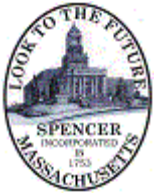


Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, October 9, 2013 at 7:00 PM
Town Hall, McCourt Social Hall

The Meeting was opened at 7 p.m.

Commissioners Present: Mary McLaughlin, Warren Snow, Dana Reed, Margaret Emerson

Staff present: Margaret Washburn

Minutes Approved:

August 28, 2013 – *A motion to approve the minutes as amended (Emerson/Snow) passed 4/0.*

September 11, 2013 – *A motion to approve the minutes as amended (Snow/Reed) passed 4/0.*

September 25, 2013 – Tabled to October 23, 2013

Signed:

5 Meadow Road, Order of Conditions
17 So. Spencer Road, Order of Conditions
46 Smithville Road, Order of Conditions
Lincoln Street, Order of Conditions
9 R. Jones Road, Order of Conditions
9.5 R. Jones Road, Order of Conditions
218 & 219 Greenville Street, Order of Conditions

7:18 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Richard Barrell

Property: 26 Laurel Lane, Spencer, MA DEP#293-0783

Mr. Scott Morrison said the project is for a garage addition. The septic system will be upgraded and moved. The Board of Health has approved the septic system. The retaining wall will be replaced. Mr. Morrison described the Bank restoration. He recommended installing water bars on the driveway to deflect some of the water away from the pond. There will be several rows of hay bales and silt fence installed. Ms. Washburn mentioned that a Wildlife Habitat Assessment was done on the bank. Mr. Morrison said they are trying to create an armored vegetative bank. Ms. Jody Bolafka, an abutter, commented that the water will be dumped onto the neighbor's land because of the diverters. Mr. Morrison said that will not happen. The water will go into the vegetative strip. Ms. McLaughlin said the water will not make it all the way over to the abutters' house.

Ms. Bolafka said swales cannot be put in the buffer zone. Ms. Washburn said the law says the rate or amount of runoff cannot be increased from a site. She said the swale will keep water from running off. Mr. Morrison said there will be less water going to Ms. Bolafka's house. Ms. Bolafka said the proposed addition is going to cause her nothing but water problems. Ms. McLaughlin said this plan is an improvement. Ms. Bolafka said she has lakeview property and this new garage is going to obstruct her view.

Ms. Washburn asked Mr. Morrison if the erosion controls on the plan are adequate. He replied yes. There are multiple layers of ESC. Ms. Washburn said she has no issues with the project. She suggested that a condition be put in the Order that a Wetland Specialist must oversee the bank restoration work. The Commission agreed. Ms. Bolafka said she will be appealing the Order of Conditions when it is issued.

The proposed conditions are as follows:

- Standard conditions.
- A Wetland Specialist must conduct two (2) inspections to oversee the Bank restoration work.

A motion to close the public hearing (Snow/Emerson) passed 4/0.

A motion to accept plan as submitted with conditions as discussed (Snow/Reed) passed 4/0, Order of Conditions to be issued.

7:47 p.m. Opened the Public Meeting for Request for Determination of Applicability for Francis Kamendulis

Property: 64 Chickering Road, Spencer, MA

Mr. Kamendulis said he purchased 64 Chickering Road. It is a summer camp and he would like to make it a year-round home. The surface water line needs to be buried. It is a one inch line on the surface. The existing well is 15 feet from Stiles Reservoir. Mr. Kamendulis said a small excavator will be there. Two pine trees will be removed. He already has a boom. He said the drawdown starts the Wednesday after Columbus Day. During drawdown, the water is approximately 35 to 40 feet from the bank.

A motion to close the public meeting (Reed/Emerson) passed 4/0.

A motion for a Negative Determination (Reed/Emerson) passed 4/0.

7:57 p.m. Opened the Public Meeting for Request for Determination of Applicability for James Sielis

Property: Greenville Street, Spencer, MA

Scott Morrison, from EcoTec, flagged the wetlands. Mr. Morrison said portions of the work had already been done. The driveway has been logged and some clearing was done for perc testing. The Request for Determination is for additional clearing of 15 trees and removing logs. Ms. Washburn said this is a phase-one filing. There will be another filing with engineered plans, for further work.

A motion to close the public meeting (Snow/Emerson) passed 4/0.

A motion for a Negative Determination (Reed/Snow) passed 4/0.

8:04 p.m. Opened the Public Meeting for Request for Determination of Applicability for Russell Larson

Property: 53 Wire Village Road, Spencer, MA

Scott Morrison, from EcoTec, presented the project. The existing septic system will be repaired. The Board of Health has approved the plan. The new system has a pump between the tank and the leach field to get it out of the water table for a four-foot separation from ground water. Mr. Morrison said there is an existing silt fence in the back of the yard by the stream and also across the road. The site where the work will occur is relatively flat.

A motion to close the public meeting (Snow/Emerson) passed 4/0.

A motion for a Negative Determination (Emerson/Snow) passed 4/0.

Other Business:

Milfoil in Browning Pond: Ray Griffin submitted a sketch showing 15% of Browning Pond is in Spencer and this portion of the pond is five feet deep or less, ideal for milfoil. He said the east and north sides are bad as well. The Snake River up north is pushing milfoil down the pond. There is no boat ramp where boats can be washed. Mr. Griffin would like to know what Spencer's policy is so he then can go the Oakham Conservation Commission and get them on board.

Ms. McLaughlin mentioned Tom Flannery of DCR. She spoke with him yesterday. She asked him if he was aware of the issue with Browning Pond. He said he was aware and he would be willing to work one on one with the committees on how to reduce/eradicate invasives and give classes to educate people on invasives. Ms. Washburn gave Mr. Griffin Tom Flannery's contact information. Mr. Griffin also said he has contacted some colleges to see if a student would be interested in this.

Ms. Ginny Scarlet said she will help set up the joint meeting of abutting towns. Ms. Washburn said because this will be a Notice of Intent filing, abutters will have to be notified and the hearing notice will have to be posted in the New Leader. Ms. Scarlet said there is no way to draw down Browning Pond. Mr. Griffin said shallow wells near the pond are a concern. Ms. Washburn told Mr. Griffin due to the endangered mussels in the pond, they will have to file with Natural Heritage as well.

New Commission Member: Mr. Brian Roode said he has previously been before the Commission to volunteer but the timing was not good. He is still interested and would like to be on the Commission. He said he is an attorney but he used to do wetland delineation. The Commission informed Mr. Roode that he will need to be sworn in by the Town Clerk and approved by the Selectmen. *A motion to recommend Brian Roode for the Conservation Commission (Snow/Emerson) passed 4/0.*

Meeting Dates: The Conservation Commission will only meet once for the month of November on November 13, 2013 and once for the month of December on December 4, 2013.

47 Wire Village Road: Ms. Washburn said she inspected and had no issues with the site. *A motion to approve the Certificate of Compliance (Snow/Emerson) passed 4/0.*

Woodbine Terrace: Ms. Washburn said Joe Bellino, from DEP, said if the Commission is comfortable with the plan, they can allow the beach restoration and/or other work to take place before the amended orders are issued. The owners will need to request an amendment, get a new abutters list and notify abutters that the hearing will re-open on November 13, 2013. The Commission made the following changes to the plan:

- Submit a re-vegetation plan showing plant species, size and spacing by 10/23.
- Re-vegetation plan must show planting native woody trees and shrubs in the buffer zone using hand tools only and must be approved by the Commission.
- Restoration plan must be completed by the end of this year.
- The project must come into full compliance by the end of this year.
- The Commission must still be allowed to monitor the project.

Ms. Petrozzi did not attend tonight's meeting, therefore, the Commission cannot give permission to start work. Ms. McLaughlin said they need to be present to request the start of work. *A motion to ratify the Enforcement Order (Snow/Emerson) passed 4/0.*

96 Wilson Avenue: Ms. Washburn said Bill Klansek built a house and never recorded the Order of Conditions. Ms. Washburn had asked Mr. Klansek to record the Order before tonight's meeting, but Mr. Klansek told her he hasn't had time. Ms. McLaughlin said to send Mr. Klansek a Notice of Violation telling him to record the Order before the next meeting on October 23rd and provide proof that the Order was recorded.

Greenville Street: Ms. Washburn said vegetation had been cut and soils disturbed in the buffer zone without a permit across the street from 197 Greenville Street. Woody debris has been dumped in the BVW. Model car traffic is apparently responsible for soil disturbance. Mr. Luukko and Malcolm Speicher went to see Ms. Washburn on October 1st. Ms. Washburn said that Mr. Luukko agreed not to do any more cutting of vegetation in the buffer zone. Ms. Washburn said she decided to leave it at that rather than require an RDA.

81 & 93 Hastings Road: Ms. Washburn said she inspected with David Vandale on October 1st. She said he has had logging done, but not enough wood was harvested to warrant a Forest Cutting Plan. The log skidder apparently drove through at least one wetland. Ms. Washburn said she noticed a new "cart path" or skidder trail from the gravel pit into the woods. Some gravel (fill) had been pushed very close to the wetland, apparently in order for the skidder to cross the wetland. Ms. Washburn said Mr. Vandale agreed to pull the gravel away from the wetland. She said she will inspect next week.

Wm. Casey Road gravel pit: Ms. Washburn inspected with Phil Stoddard on October 8th. There are no issues at this time. According to Joe Bellino, there will be no issues with filling in the settling pool. Mr. Stoddard agreed not to fill it in between March and July, when obligate vernal pool species may be present. It can be done as long as it is done from August through February.

29 Kittredge Road: Ms. Washburn inspected and took photos today. She reported that the ESCs are functional. There is a deck being built on the back of the house. No deck is shown on the site plan approved for the OofC. Ms. Washburn called him and told him he should have notified the Commission of this change. He is going to fax us a sketch showing the dimensions of the deck and stairs. Ms. McLaughlin said he needs to file for an amended Order of Conditions and submit revised plans. Ms. Washburn will send a NOV telling him to file for an amendment by October 23rd and to stop work on the deck.

Depot Trail update: Ms. Washburn met on 10/8 with Judy Lochner, Dan Gould, Dana Reed and Bill Shemeth. Ms. Washburn forwarded a draft request for Dick O'Brien to the interested parties for review, regarding the wording of the press release asking contractors for estimates, and revising the RFP for the grant.

New Applications: 66 Chickering Road, Harvey, RDA
 33 Lakeview Drive, Antanavica, RDA
 40 Briarcliff Lane, Erikson, RDA

A motion to adjourn the meeting at 9:37 p.m. (Reed/Emerson) passed 4/0.

Respectfully submitted by:

Lisa Daoust, Senior Clerk
Development & Inspectional Services

Documents reviewed at the 10/9/13 Spencer Conservation Commission meeting:

Agenda for the 10/9/13 meeting

Minutes from the 8/28/13 Spencer Conservation Commission meeting (approved as amended)

Minutes from the 9/11/13 Spencer Conservation Commission meeting (approved as amended)

Margaret's report dated 10/9/13

Order of Conditions for 5 Meadow Road (signed)

Order of Conditions for 17 So. Spencer Road (signed)

Order of Conditions for 46 Smithville Road (signed)

Order of Conditions for Lincoln Street culvert replacement (signed)

Order of Conditions for 9 R. Jones Road (signed)

Order of Conditions for 9.5 R. Jones Road (signed)

Order of Conditions for 218 & 219 Greenville Street (signed)

Certificate of Compliance for 47 Wire Village Road (signed)

Map of Browning Pond Road submitted by Ray Griffin on 10/9/13

NOI file for 26 Laurel Lane

RDA file for 64 Chickering Road, including Negative Determination (signed)

RDA file for Greenville Street (Sielis), including Negative Determination (signed)

RDA file for 53 Wire Village Road, including Negative Determination (signed)

Site plan dated 9/25/13 and E.O. for Woodbine Terrace (Petrozzi), ratified

Inspection report and photographs dated 10/9/13, and NOI site plan for 29 Kittredge Road

Inspection report and photographs dated 10/1/13 for 93 Hastings Road (Vandale)